IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

CRL.A.No. 338 of 2003()

SC.201/1998 of ADDL. SESSIONS COURT, (ADHOC), PALAKKAD
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APPELLANT: ACCUSED NO.1:

HARIDASAN, S/O. MUNDAN,
CHAMAPARAMBIL VEEDU, CHALISSERY AMSOM AND DESOM,
PALAKKAD DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.TONY MATHEW

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.C.SANTHOSH KUMAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Criminal Appeal.No.338 OF 2003 (A)

Dated this the 16th day of July, 2007

JUDGMENT

Revision petitioner was found in possession of 6.500 gms of ganja in two packets. It was found that petitioner is guilty of Section 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 as it was found that what was seized was only a small quantity. I see no reason to interfere with the conviction as he was caught red-handed and there is no technical flaw in the judgment. Punishment prescribed is Rigorous Imprisonment for a term which may extend to six months or a fine which may extend to Rs.10,000/- or both. Considering the nature of offence, quantity involved, I am of the opinion that even though no grounds are made for interfering the conviction, sentence can be changed to three weeks imprisonment and Rs.2,500/- fine. It is submitted that he has already suffered more then three weeks imprisonment. Rs.782/- was already seized from him. If the balance amount is

not paid within two months, he will have to undergo default sentence of Simple Imprisonment for one month. With the above direction this appeal is partly allowed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.Appeal.338 OF 2003

JUDGMENT

16th July, 2007